

REMARKS

Claims 1-55 are pending in the application. Claims 1-55 stand rejected. Claims 1, 5, 13, 17, 25, 29, 30, 24, 42, 46, 54, and 55 are hereby amended. The applicant respectfully requests allowance of the claims and consideration of the following remarks.

Claims 1-2, 4, 6-8, 11, 13-14, 16, 18-20, and 23 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,157,648 (Voit) in view of U.S. Patent No. 6,298,373 (Burns). The applicant respectfully traverses the rejection for at least the following reasons.

Amended claim 1 provides for residential or commercial end users to share bandwidth between the end users and a service provider by connecting the end users to each other in order for one end user to access spare bandwidth made available by another end user. In particular, claim 1 recites a first user communication device that communicates with a service provider over a first link and a second communication device that communicates with the service provider over a second link. The first link does not include the second communication device, and the second link does not include the first communication device.

In response to a need for additional bandwidth, the second communication device is granted access to spare bandwidth on the first link between the first user communication device and the service provider. In order to access the spare bandwidth on the first link, a third link is created that connects the second user communication device to the first user communication device. The second user communication device therefore ultimately communicates with the service provider over the already existing second link and over the newly provisioned bandwidth provided by the third link and the first link. Essentially, the third link and the first user communication device provide the second user communication device with a bridge to the first link and the spare bandwidth provided by the first link.

Voit discloses a telephone 112 linked to an Internet Telephony Gateway (ITG) 118, and further linked to the Internet 106. Telephone 112 could be considered a user communication device. However, nowhere does Voit discuss telephone 112 gaining additional bandwidth by connecting to another user communication device. Rather, Voit discloses initiating and managing a Voice over IP session between telephone 112 and PC

110. A known step in such a session, and disclosed in Voit, includes reserving bandwidth in ITG 118 for the session. Another known step includes reserving bandwidth over Internet 106 for the session. However, it was not known to establish a link between two *user* communication devices to provide one of the user communication devices with additional bandwidth. In fact, Voit only discloses one user communication device at each end of the call- PC 110 and telephone 112, and therefore Voit clearly does not teach the concept of providing one user communication device with additional bandwidth through another user communication device, as required by claim 1.

Burns discloses a subscriber PC 58 that gains access to an ISP 56 over connection 66. Like Voit, Burns does not disclose any other manner of subscriber PC 58 gaining access to ISP 56. For example, Burns does not disclose, teach, or suggest PC 58 establishing a link with PC 60 to establish a bridge to connection 68. In contrast, claim 1 requires that the second user communication device communicates with the service provider over two distinct paths- over the second link that initially connects the second user communication device to the service provider, and over the new link formed by the third link to the first user communication device and the first link that already connects the first user communication device to the service provider.

Burns does teach the concept of a device gaining additional bandwidth by utilizing a secondary path. For example, Burns discloses content server 52 linked to ISP 56 over high speed network 54 and over secondary network 202. Secondary network 202 includes satellite 206. If additional bandwidth is needed, content server 52 is able to communicate with ISP 56 over secondary network 202. Thus, Burns teaches the concept of utilizing a secondary path between a content server 52 and an ISP 56 to gain additional bandwidth. However, content server 52 is not a *user* communication device, as required by claim 1. In addition, satellite 206 is not a *user* communication device, as required by claim 1. Thus, Burns does not teach the concept of a *user* communication device gaining additional bandwidth by establishing a connection to another *user* communication device to gain access to available bandwidth.

Regardless, claim 1 now requires that the third link is *a different type of link* than the first link. If the content server 52 of Burns could be equated to the second user communication device of claim 1, then the high speed network 54 would be equated with

the second link of claim 1. Further in this example, the satellite 206 would be equated with the first device of claim 1, and thus the link between the satellite 206 and the ISP would be equated with the first link of claim 1. In such an example, the third link would necessarily be the link between the content server 52 and the satellite 206. However, the first link and the third link would be the same types of links. In contrast, claim 1 now requires that the first link and the third link are different types of links.

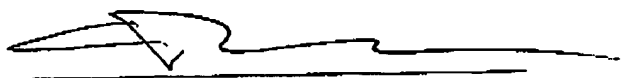
Even when combined, Voit and Burns together still fail to disclose, teach, or suggest all the limitations of claim 1. Neither reference discloses one user communication device gaining additional bandwidth by connecting to another user communication device. As discussed, Voit only discloses single user communication devices (PC 110 and telephone 112) at each end of a session, and therefore clearly does not teach one of the user communication devices gaining additional bandwidth by way of a connection to another user communication device. While Burns discloses content server 52 as gaining additional bandwidth by way of a connection to satellite 206, it would be improper hindsight reasoning to apply the operation of a content server 52 in Burns to that of either PC 110 or telephone 112 in Voit, or to that of PC 58 in Burns. Lastly, even when combined, the third link comprising a different type of link than the first link is not disclosed, taught, or suggested by either reference.

It should also be noted that dependent claim 5, which now depends from claim 3, requires that the third link comprises a wireless link. Thus, dependent claim 5 requires that the second user communication device communicate with the service provider over a DSL link, and further gain additional bandwidth to the service provider by way of a wireless link between the second user communication device and the first user communication device and the DSL link between the first user communication device and the service provider. Voit and Burns fail to disclose, teach, or suggest such limitations.

The remaining independent claims contain limitations similar to those of independent claim 1 and are therefore allowable over the art of record for at least the same reasons as claim 1. Applicant refrains from a discussion of the remaining dependent claims in view of their dependence from otherwise allowable independent claims.

CONCLUSION

The claims in their present form are allowable over the art of record. Applicant therefore respectfully requests their allowance.



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